

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GPS INDUSTRIES LLC,	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 1:11-CV-385-LY
	§	
BUSHNELL CORPORATION, ET AL.	§	JURY TRIAL DEMANDED
Defendants.	§	

**MOTION TO WITHDRAW AS COUNSEL FOR EXPRESSO SATELLITE
NAVIGATION, INC.**

Attorneys James N. Willi and Tracy J. Willi respectfully request this Court to permit James N. Willi and Tracy J. Willi of Willi Law Firm, P.C. to withdraw as counsel of record for Expresso Satellite Navigation, Inc. (“ESN”) in the above-referenced matter. There is good cause for this Court to permit the withdrawal of counsel: (1) attorneys Tracy J. Willi and James N. Willi are unable to effectively communicate with ESN in a manner consistent with good attorney-client relations; (2) ESN has failed to respond to repeated and multiple requests for information necessary to effectively provide counsel; and (3) ESN has failed to pay for legal services since September 6, 2011.

ESN has been provided with a copy of this Court’s Joint Initial Scheduling Order (Doc. 51) on November 17, 2011, by electronic mail. Further, ESN has been notified of the deadlines provided in the Joint Scheduling Order. Specifically, ESN has been informed that Plaintiff’s preliminary infringement contentions are due on January 11, 2012, and Defendants’ preliminary invalidity contentions are due on April 20, 2012. (*See id.*) Finally, ESN was notified on November 17, 23, and 27, 2011, by electronic mail, and by telephone discussion on multiple occasions of James N. Willi and Tracy J. Willi’s intention to withdraw as counsel of record for ESN if the above-identified matters constituting good cause to withdraw were not remedied.

Those matters have not been remedied. Since ESN's first deadline in this matter is not until April 20, 2012, the withdrawal of Attorneys James N. Willi and Tracy J. Willi as counsel of record for ESN will not delay these proceedings. (Ex. 1, Decl. of James N. Willi.)

The client's signature could not be obtained after due diligence. Counsel has sent a Motion to Withdraw for signature to ESN's representative, Michael J. Aroney, on November 23 and 27, 2011 via email. Despite confirming receipt of such motion, ESN has failed to provide its signature. The existence of a successor attorney is not known. ESN's address is 824 Lincolnway, 3rd Floor, LaPorte Indiana 46350, and ESN's telephone number is (219) 476-3360. ESN's authorized representative is ESN's President, Michael J. Aroney, whose email address is maroney@aimsam.com. (Ex. 1, Decl. of James N. Willi.)

Attorneys James N. Willi and Tracy J. Willi further request this Court to terminate CM/ECF notices to them regarding the above-referenced matter.

Respectfully submitted,

/s/ James N. Willi

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ATTORNEYS FOR EXPRESSO SATELLITE
NAVIGATION, INC.

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Stephen W. Abbott, counsel of record for GPS Industries, LLC, and Alan D. Albright, counsel of record for Skyhawk Technologies, LLC on December 2, 2011, and Messrs. Abbott and Albright do not oppose the foregoing motion. Further, I hereby certify that I have attempted to confer with ESN's representative, Michael J. Aroney, on November 17, 23, and 27, 2011 via email and that Tracy J. Willi attempted to confer with him by telephone on December 12, 2011, regarding the foregoing motion, and we have been unable to determine whether ESN opposes this motion.

/s/ James N. Willi

James N. Willi

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on December 12, 2011, which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service. All other counsel of record were served via first-class U.S. mail. ESN was served via first-class U.S. mail and certified mail, return receipt requested on December 12, 2011, at 824 Lincolnway, 3rd Floor, LaPorte Indiana 46350.

/s/ James N. Willi

James N. Willi